

## **REMARKS**

The Office Action dated March 21, 2006, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 8 and 11 have been canceled, claims 6, 7, 9, 10 and 15-18 have been amended and claims 19 and 20 have been added. No new matter is presented. Support for new claims 19 and 20 can be found on at least page 14, line 24 to page 15, line 11 of the specification and Figure 8b as originally filed. Claims 1, 2, 5-7, 9, 10 and 12-20 are pending. Claims 1, 2, 5 and 12-14 have been allowed. Accordingly, claims 6, 7, 9, 10 and 15-20 are respectfully submitted for consideration.

### **Allowable Subject Matter**

The Applicants wish to thank the Examiner for allowing claims 1, 2, 5 and 12-14.

### **Rejections Under 35 U.S.C. 112**

Claims 6-11 and 15-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As noted above, claims 8 and 11 have been canceled. Claims 7, 15 and 19 depend from claim 6 and claims 10, 16 and 20 depend from claim 9.

The Examiner stated that the term "preliminary tracking error signal" was not known, and also requested clarification as to whether the terms "including an influence of the pre-pit information" and "noise component of the pre-pit" correspond to the cross over of the tracking signal at the prepit information. The Applicants have amended claims 6, 9, 17 and 18 responsive to the rejections as follows. The term "preliminary" has been deleted, so that the claims refer to the "tracking error signal producing"

means/circuit. The Applicants have also changed the term "influence of the prepit information" to "subtracting a component of the prepit information", and further defined the prepit information subtracted. As such, the claims recite the removal of a component of the prepit information from the tracking error signal as shown in Fig. 8b.

The Applicants respectfully submit that all claims are in compliance with U.S. patent practice and respectfully request withdrawal of the rejections.

### **Rejection Under 35 U.S.C. 102**

Claims 6-11 and 15-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Miyamoto et al. (U.S. Patent no. 5,805,565, "Miyamoto"). As noted above, claims 8 and 11 have been canceled.

The Applicants respectfully submit that Miyamoto is not a proper reference under any section of 35 U.S.C. § 102. The present application was filed in the U.S. on December 14, 2000, but has an effective U.S. filing date of June 26, 1995, based on Japanese Patent Application No. 7-159645. The Miyamoto reference was published on September 8, 1998, and has an effective U.S. filing date of February 13, 1996. Therefore, the Applicants submit that Miyamoto is not a valid prior art reference under 35 U.S.C. § 102, because the U.S. filing date of Miyamoto is after the earliest effective U.S. filing date of the present application.

In response to this rejection, the Applicants submit herewith a verified translation of the certified copy of the foreign priority application for claiming the benefit of the filing date thereof, with a statement that this translation is accurate. The certified copy of the priority document was filed in the parent case, U.S. patent application Serial No.

08/668,334, of which the present application is a divisional application. The Applicants respectfully request acknowledgement of receipt of the certified copy of the priority document. The Applicants therefore rely upon their foreign priority to overcome these rejections. The application should be entitled to the benefit of the filing date of the foreign priority application under 35 U.S.C. § 119 and 37 C.F.R. § 1.55 and the withdrawal of this rejection is respectfully requested.

### **Conclusion**

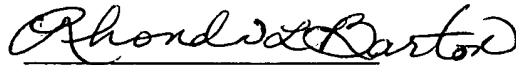
Claims 1, 2, 5 and 12-14 are allowed. Claims 7, 15 and 19 depend from claim 6, claims 10, 16 and 20 depend from claim 9. The Applicants respectfully submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above. Accordingly, the Applicants respectfully request allowance of claims 6, 7, 9, 10 and 15-20 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-00033.**

Respectfully submitted,



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Enclosures: Petition for Extension of Time (Three months)  
Verified translation of Japanese Patent Application No. 7-159645